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PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
R227

First named inventor: ALLEN

Application No.: 10/015,551

Art Unit: 1636

Filed: December 11, 2001

Examiner: Nguyen, Quang

Title: **TRANSGENIC MICE CONTAINING BRAIN-SPECIFIC MEMBRANE-ANCHORED PROTEIN GENE
DISRUPTIONS**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

05/09/2005 CCHAU1 00000059 502775 10015551

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m)) 01 FC:2453 750.00 DA**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of a Continuation-in-Part Application (identify type of reply):☒ has been filed previously on 4/25/05.☐ is enclosed herewith.**B. The issue fee of \$ _____**☐ has been paid previously on _____.☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 4, 2005

Date

John E. Burke

Signature

Telephone
Number:

303-685-7411

John E. Burke

Typed or printed name

Greenberg Traurig, LLP

Address

1200 17th St., Ste. 2400, Denver, CO 80202

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Change Atty Address; Cert Mailing Express Mail; Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

May 5, 2005

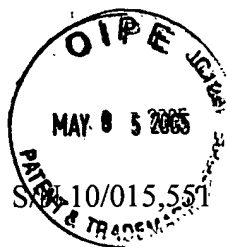
Date

Sandra Lee Bourassa, PLS

Signature

Sandra Lee Bourassa, PLS

Type or printed name of person signing certificate



PATENT

Confirmation No. 4290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Keith D. Allen	Examiner:	Nguyen, Quang
Serial No.:	10/015,551	Group Art Unit:	1636
Filed:	December 11, 2001	Docket No.:	R-227/40338.120USU1
Title:	Transgenic Mice Containing Brain-Specific Membrane-Anchored Protein Gene Disruptions		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: ED504426424US

Date of Deposit: May 5, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: Sandra Lee Bourassa, PLS

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Deltagen, Inc. hereby petitions to revive the above-referenced application pursuant to 37 C.F.R. § 1.137(b). The application was abandoned due to the unintentional failure to timely respond to the Non-Final Office Action mailed October 20, 2004.

The entire delay in filing the required response in the above referenced application was unintentional. The final response date for reply was April 20, 2005. On April 1, 2005 the Attorney of Record left the law firm of Merchant & Gould to join Greenberg Traurig. Both the docketing system's electronic records and the relevant files were delayed in transfer to the new firm. As a result, the above referenced file was not uncovered until after the final response date of April 20, 2005 had elapsed.

Following a telephone conversation with the Examiner, Dr. Quang Nguyen, on April 25 2005, a previously prepared R-227 Continuation-in-part application was filed in lieu of an

Amendment on April 25, 2005 at his suggestion. This petition should accompany that R-227 CIP, as required by 37 C.F.R. § 1.137(c).

Although \$750.00 is believed to be required for this petition, please charge any fee deficiency or credit any overpayment to Deposit Account No. 502775.

The undersigned believes that the requirements for making application under 37 C.F.R. § 1.137(b) have been met.

Respectfully submitted,

5-4-05
Date



JB
John E. Burke, Reg. No. 35,836
Greenberg Traurig LLP
1200 17th Street, Suite 2400
Denver CO 80202
(303) 685-7411/ (720) 904-6111